IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.No.5103 of 2006.

Date of decision : 26.9.2006.

Swami Ramesh Ashram .....Petitioner

versus

Swami Harish Ashram and another .....Respondents

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Sumeet Goel, Advocate, for the petitioner.

-.-

ORDER

HEMANT GUPTA, J. (oral)

The challenge in the present revision petition is to the order dated 18.8.2006, passed by the learned trial Court, whereby an application filed by the petitioner under Order 1 Rule 10 of the Civil Procedure Code, for impleadment him as party in the application for grant of succession certificate, was declined.

The application has been declined by the learned trial Court for the reason that the dispute between the parties cannot be settled in proceedings for grant of succession certificate, as a separate suit is required to be filed as these proceedings are of summary nature.

I do not find any infirmity in the said finding as the proceedings for grant of succession certificate are of summary nature. It is always open to an heir claimant to establish his rights over the estate of the deceased in appropriate proceedings.

In view of the above, I do not find any illegality or irregularity

in the orders passed by the Court below which may warrant interference by this Court in exercise of its revisional jurisdiction.

Dismissed in limine.

(HEMANT GUPTA)
JUDGE

September 26, 2006.

**mohinder*